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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/820,721

04/09/2004

Sheng-Hsuan Liao

MR1035-1444

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4586

7590

09/21/2005

ROSENBERG, KLEIN & LEE
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ELLICOTT CITY, MD 21043

EXAMINER

PIZARRO, RICARDO M

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,721

Applicant(s)

LIAO ET AL.

Examiner

Ricardo Pizarro

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-11 are objected to because of the following informalities:

For better reading of the claim it is suggested to applicant

In claim 1 line 3 after "receiving" insert "--multimedia messages from the user-- and insert --to the user-- after the first occurrence of "messages" , and delete " , and for receiving multimedia messages sent by the user".

In claim 1 line 9 after "multimedia message" insert --sent by the user--

In line 10 replace "multimedia messages" with --multimedia content--

In line 11 replace "the message" with --the content--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 , 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0248561 (Nykanen) in view of US 2003/0079020 (Gourrad).

Regarding claim 1, Nykanen discloses a System, method and apparatus for facilitating media content channel, comprising an interactive 2-way transfer multimedia

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messaging service (Paragraph 0029 1-3) , which processes interactive transmissions according to a multimedia message sent by a user (Paragraph 0031 line 3) comprising: a multimedia messaging service center for receiving and transmitting multimedia messages, and for receiving multimedia messages sent by the user (Multimedia messaging Center 220 in Fig. 2 , Paragraph 0037 lines 1-10) , service provider for providing multimedia content (Service Providers than connect to MMSC, Paragraph 0037 line 12) ;a multimedia service dispatcher for contacting the service provider and requesting multimedia content (Function performed by the External Application interface EAIF that connects Service Provider to MMSC 220, Paragraph 0037 line 11); and a common service platform for receiving multimedia messages sent by the service provide and transforming the message into a multimedia message reply(WWW Server 230 downloads al multimedia content and send a multimedia reply message to MMSC 220, Paragraph 0040 lines 6-10, Paragraph 0045 lines 1-5) whereby the multimedia message reply is sent to the multimedia messaging service center which sends the reply to the user (Once the multimedia message has been transmitted to MMSC 220 , an indication of receipt is provided to terminal station 202, Paragraph 0042 lines 1-3). .

Nykanen does not specifically disclose the capability of identifying a service provider according to a multimedia message, as in claim 1.

However Gourraud discloses that multimedia messages sent by a mobile user contain parameters that allows to identify a provider based on the parameters pf the message, as in claim 1 (Paragraph 0047 lines 31-38)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nykanen by providing ways for the service dispatcher to recognize an adequate service provider based on the parameters included in the multimedia message request sent by the user, as disclosed by Gorraud, to provide an appropriate service to the user based on his/her multimedia needs.

The motivation to do so is to allow users to handle MMS services with more flexibility.

Regarding claim 2, whereby the user uses a mobile phone to send multimedia messages (Mobile station 202 in Fig. 2).

Regarding claim 3, whereby the multimedia message sent by the user comprises a sender's address and a code.(MMS PDU header contain all the information needed to transfer from origination to destination, Paragraphs 0041 lines 3-6, HTTP encapsulation of the message includes any number of encoded parts, Paragraph 0041 lines 15-17)

Regarding claim 7, whereby the multimedia messaging service dispatcher uses HTTP to connect to the service provider(Paragraph 0032 line 4).

Regarding claim 9, whereby the common service platform sends a multimedia message reply comprising a sender's address and the multimedia content to the user via the multimedia messaging service center.

Regarding claim 10, whereby the common service platform and the service provider use HTTP to transmit information(Paragraph 0026 line 20, Paragraph 0032 lines 1-4).

2. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0248561 (Nykanen) in view of US 2003/0119552 (Laumen) in further view of US 2004/0087336 (Paytiris)

Nykanen and Laumen do not specifically disclose the multimedia messaging service dispatcher using XML to connect to a service provider, as in claim 8 ;neither a common service platform and a service provider using XML to transmit information, as in claim 11.

However Paytiris discloses a multimedia messaging service dispatcher using XML to connect to a service provider (MMSC 17 in Fig. 1 processes a SOAP message . SOAP is an XML based protocol, Paragraph 0032 lines 1-4 and 22-24) ., as in claim 8; whereby the common service platform and the service provider use XML to transmit information (any server in the network would operate with SOAP –XML based protocol-messages (Paragraph 0033 lines 2-4), as in claim 11.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nykanen and Laumen by providing them the XML services as taught by Paytiris to have a system capable of providing increased services to users

The motivation to do so is to obtain an enhanced MMS system that is more flexible in the services that it provides.

Allowable Subject Matter

3. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Examiner's statement of reasons for Allowance

4. The following is an examiner's statement of reasons for allowance: For claims 4 –6 no prior art of record was found for an interactive 2-war multimedia messaging service wherein a multimedia messaging center obtains a designated session and service according to a code stored in a database.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 2002/0065097 discloses a system for arranging interactive games between players via multimode communication devices.
- US 2005/0198193 discloses a system, method and apparatus for creating enhanced media files for broadcast media

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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or faxed to:

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(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

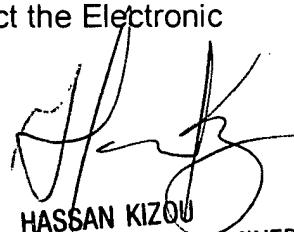
Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou** can be reached on (571) 272-3088

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 18, 2005
Ricardo Pizarro



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600